

**Town of Fenwick Island
Minutes of the Charter & Ordinance Committee Meeting
April 7, 2009**

*Approved
5/5/2009*

Call to Order at 9:30 a.m.

Present: Committee Members Bill Weistling, Gene Langan, Todd Smallwood, Winnie Lewis, Audrey Serio, Vicki Carmean, Buzz Henifin and Pat Schuchman.

Absent: Tom Wontorek

Public Attendance: Mike Quinn, John Belian, Donna Blanck

Minutes:

- Vicki Carmean made a motion to approve the minutes of March 3, 2009 seconded by Todd Smallwood.

Dumpster Screening:

- Buzz Henifin felt that the Town should require screening where dumpsters are visible from Route 1 only.
- Although everyone agreed that a good example of screening is the enclosure at the House of Welsh (white vinyl fencing), chain link fencing with slats to block the view from the outside would be acceptable.
- Bill Weistling asked what height we should require. Everyone agreed that the height of the enclosure should be a minimum of 6 feet.
- Screening shall consist of three sides plus a gate. The wall of a building can be used as one side of the enclosure.
- All businesses and multi-family buildings will be required to comply with constructing a dumpster enclosure of some type of fencing (no natural vegetation) within 24 months of enactment of an ordinance. There will be no grandfathering.
- Pat Schuchman mentioned that some dumpsters are currently located in setback areas. The dumpsters with newly constructed enclosures can remain where they are but cannot encroach into Town right-of-ways.
- Audrey Serio suggested notification of the Commercial Liaison Committee prior to presenting to Town Council for a vote in order that they can forward the information to commercial businesses and property owners. Pat will inform the CLC at their meeting on April 23, 2009.

Council Eligibility:

- Bill discussed with the committee Tempe Steen's opinion on the question of vacancies and forfeitures as it pertains to Councilmembers who simply do not

show up for meetings, explaining the procedures that included Executive Sessions, Public Hearings, voting requirements, etc.

- Although the language seemed a bit extreme, Audrey explained that even though such a situation may never arise, it is important that it be included in our code as well as a policy for current and future Councilmembers.
- Bill will have Tempe prepare a draft that will include what would be considered an allowable excused absence. As this is a change to Town Charter, it is required to go to the State Legislature.

Apartments:

- The committee discussed its concerns that over the past year, with all the work done on drafting an amendment to the Zoning code as it pertains to apartments and setbacks at the request of the Commercial Liaison Committee, the CLC participated little throughout the year. The draft was submitted to the CLC for their March meeting and was largely turned down for its content.
- It was discussed that the CLC needs to have representation at Charter & Ordinance Committee and Planning Committee meetings if discussion involves requests for the commercial areas of Town.
- Bill Weistling advised that Chris Clark and Bryan Hall (State Office of Planning) will hold a meeting on Saturday, June 13, to discuss an overlay district for the commercial area. Any further discussions on this subject will be on hold until the outcome of this meeting.

Renewable Energy:

- Wind turbines were discussed but it was agreed that at this point more research needs to be done on wind turbines since this is an ever-changing industry. However, C&O will proceed with a draft based on O.C. recent ordinance that will be reviewed at the May meeting with a height limit on roof top units.
- A draft ordinance will be prepared for solar panels and sent to all C&O members to review before the next meeting.
- The committee agreed the section in the Zoning ordinance will be entitled "Renewable Energy Systems".
- Free-standing solar panels will be permitted as long as they are located within the setbacks and are attached to a structure.
- Bill will have Tempe review the draft and hopefully have it ready to present to Council for April's Town Council meeting.

Codebook Updates:

- Buzz submitted an additional list of codes items that should be addressed at a future meeting.
- Bill stated that a future meeting (date to be determined) will be devoted to Codebook Updates.

Comprehensive Plan:

- Winnie Lewis commented that the Commercial Liaison Committee needs to have representation at future Planning Commission meetings.

Next Meeting:

- Discussions planned will be:
 - Council Eligibility – forfeiture
 - Wind Turbines
 - Codebook Updates
- Next meeting held on Tuesday, May 5, 2009 at 9:30 a.m.

Old:

- Audrey informed the committee that the Town has been notified by the lobbyist for the Delaware League of Local Governments that the change in our Charter regarding the bonding issue is still pending.

New:

- None

Adjourn:

- Vicki Carmean made a motion to adjourn the meeting, seconded by Gene Langan. The meeting was adjourned at 11:15 a.m.